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# THE OLD SOUTH ASSOCIATION IN BOSTON

LIST OF  
OFFICERS, MEMBERS, COMMITTEES

CHARTER, RESOLVE, BY-LAWS  
RULES OF MANAGERS, AND  
OTHER DOCUMENTS

BOSTON  
PRINTED FOR THE USE OF  
THE CORPORATION  
1912



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ADDISON C. GETCHELL & SON  
PRINTERS

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Gift  
Association  
MAY

## OFFICERS OF THE CORPORATION

PRESIDENT.

CHARLES W. ELIOT.

SECRETARY.

GEORGE A. GODDARD,  
10 Tremont Street, Boston.

TREASURER.

RICHARD W. HALE,  
60 State Street, Boston.

(All elected by the Board of Managers  
as required by the charter.)

## THE BOARD OF MANAGERS

The first eight *ex officio* under the charter.

The number of the remainder — fixed and then elected by the corporation — seventeen.

THE GOVERNOR OF THE COMMONWEALTH.

THE MAYOR OF THE CITY OF BOSTON.

THE PRESIDENT OF HARVARD COLLEGE.

THE PRESIDENT OF THE MASSACHUSETTS HISTORICAL SOCIETY.

THE PRESIDENT OF THE AMERICAN ANTIQUARIAN SOCIETY.

THE PRESIDENT OF THE NEW ENGLAND HISTORIC-GENEALOGICAL SOCIETY.

TWO MEMBERS OF THE CITY COUNCIL OF THE CITY OF BOSTON DESIGNATED BY IT.

SAMUEL A. GREEN.

GEORGE G. CROCKER.

GEORGE A. GODDARD.

MISS ELISABETH P. SOHIER.

MRS. JAMES M. CODMAN.

AUGUSTUS HEMENWAY.

LOUIS ADAMS FROTHINGHAM.

RICHARD W. HALE.

CHARLES WILLIAM ELIOT.

MISS SARAH H. CROCKER.

MRS. ROGER WOLCOTT.

HORATIO A. LAMB.

REV. GEORGE A. GORDON.

MISS LUCY LOWELL.

BARRETT WENDELL, JR.

MISS KATHARINE P. LORING.

ELIAS B. BISHOP.



## THE EXECUTIVE COMMITTEE

(SEE RULE II, P. 14)

SAMUEL A. GREEN,

Chairman.

MISS ELISABETH P. SOHIER,

Secretary, 79 Beacon Street.

MRS. JAMES M. CODMAN.

AUGUSTUS HEMENWAY.

LOUIS A. FROTHINGHAM.

MISS SARAH H. CROCKER.

MRS. ROGER WOLCOTT.

HORATIO A. LAMB.

MISS LUCY LOWELL.

BARRETT WENDELL, JR.

GEORGE G. CROCKER.

MRS. NATHANIEL P. LOVERING.

MISS KATHARINE P. LORING.

THE PRESIDENT, *ex officio*.

THE TREASURER, *ex officio*.

.....  
.....

(Number fixed by the managers February 13, 1909, at 17.)

(Quorum fixed by the managers December 6, 1910, at 5.)

THE COMMITTEE ON THE PROPERTY  
AND TREASURY

(SEE RULE III, P. 15)

GEORGE G. CROCKER, Chairman.

..... (A vacancy.)

THE PRESIDENT,

THE SECRETARY, and

THE TREASURER,

*ex officio.*

THE COMMITTEE ON  
THE SUBWAY TAKING  
AND CONSEQUENT LITIGATION

CHARLES W. ELIOT.

GEORGE A. GODDARD.

RICHARD W. HALE.

# LIST OF MEMBERS OF THE CORPORATION

## MANAGERS EX OFFICIO.

THE GOVERNOR OF THE COMMONWEALTH,  
His Excellency the Governor.

THE MAYOR OF THE CITY OF BOSTON,  
His Honor the Mayor.

THE PRESIDENT OF HARVARD COLLEGE, Cambridge, Mass.

THE PRESIDENT OF THE MASSACHUSETTS HISTORICAL SOCIETY,  
1154 Boylston Street.

THE PRESIDENT OF THE AMERICAN ANTIQUARIAN SOCIETY,  
Worcester, Mass.

THE PRESIDENT OF NEW ENGLAND HISTORIC-GENEALOGICAL  
SOCIETY, 18 Somerset Street.

TWO PERSONS CHOSEN ANNUALLY BY THE CITY COUNCIL OF THE  
CITY OF BOSTON.

(In 1912) JOHN J. ATTRIDGE. WALTER L. COLLINS.

## MEMBERS IN THE ORDER OF THEIR ELECTION.

HON. SAMUEL A. GREEN,*	1154 Boylston Street.
HON. JOHN D. LONG,*	323 Tremont Bldg.
GEORGE A. GODDARD, Secretary,	10 Tremont Street.
MRS. NATHANIEL P. LOVERING,	The Ludlow.
MISS SARAH H. CROCKER,	319 Commonwealth Avenue.
MISS ELISABETH P. SOHIER,	79 Beacon Street.
CHARLES P. BOWDITCH,	28 State Street.
HON. GEORGE G. CROCKER,	1023 Old South Bldg.
PROF. ALBERT BUSHNELL HART,	Harvard College, Cambridge.
PROF. EDWARD CHANNING,	Harvard College, Cambridge.
HON. JOSIAH QUINCY,	15 State Street.

\* [Charter members.]

WILLIAM D. SOHIER,	79 Beacon Street.
MRS. JAMES M. CODMAN,	Brookline, Mass.
AUGUSTUS HEMENWAY,	10 Tremont Street.
HON. HENRY PARKMAN,	53 State Street.
MRS. ROGER WOLCOTT,	173 Commonwealth Avenue.
MRS. G. HOWLAND SHAW,	23 Commonwealth Avenue.
CHARLES FRANCIS ADAMS, 2D,	84 State Street.
RICHARD W. HALE, Treasurer,	60 State Street.
HERBERT PUTNAM,	Congressional Library, Washington, D.C.
HON. O. W. HOLMES,	U.S. Supreme Court, Washington, D.C.
MISS GEORGINA L. PUTNAM,	68 Beacon Street.
ROGER WOLCOTT,	60 State Street.
JOSEPH WARREN,	University Hall, Cambridge, Mass.
MISS LUCY LOWELL,	The Ludlow.
ELLIOT C. LEE,	40 State Street.
GEORGE WIGGLESWORTH,	Room 1004, 53 State Street.
ARTHUR DEHON HILL,	Room 1035, 53 State Street.
ROBERT HOMANS,	Room 1035, 53 State Street.
HON. LOUIS ADAMS FROTHINGHAM,	910 Barristers Hall.
JOHN G. PALFREY,	84 State Street.
REV. DR. GEORGE A. GORDON,	645 Boylston Street.
REV. PAUL REVERE FROTHINGHAM,	294 Beacon Street.
BARRETT WENDELL, JR.,	44 State Street.
GUY LOWELL,	1128 Tremont Bldg.
HAROLD J. COOLIDGE,	40 State Street.
HENRY G. PICKERING,	10 Tremont Street.
WILLIAM RALPH EMERSON,	120 Tremont Street.
MISS KATHARINE P. LORING,	Prides Crossing, Mass.
GEORGE ROYAL PULSIFER,	412 Barristers Hall.
MISS MARY LEE WARE,	41 Brimmer Street.
PRES. A. LAWRENCE LOWELL,	Harvard College,
	[Cambridge, Mass.
HORATIO A. LAMB,	27 Kilby Street.
FREDERIC A. EUSTIS,	Room 509, 131 State Street.

HON. CURTIS GUILD,	124 Marlborough Street.
DR. CHARLES WILLIAM ELIOT, President,*	Cambridge, Mass.
PROF. GEORGE LYMAN KITTREDGE,	Harvard College,
	[Cambridge, Mass.
GRAFTON D. CUSHING,	717 Barristers Hall.
MRS. HENRY H. SPRAGUE,	33 Fairfield Street.
MRS. BARRETT WENDELL,	358 Marlborough Street.
HON. LOUIS M. CLARK,	Room 1000, 50 Congress Street.
DAVID A. ELLIS,	Room 523, 53 State Street.
ELIAS B. BISHOP,	54 Devonshire Street.
JOSEPH T. BISHOP,	750 Tremont Bldg.
JOHN S. C. ANDREW,	158 Crest Avenue, Beachmont, Mass.
EDWIN D. MEAD,	29A Beacon Street.
GEORGE G. WOLKINS	50 Congress Street.

\*[Was a charter member *ex officio* as President of Harvard College; elected on his resignation from that office.]

# CHARTER

## ACTS OF 1877, CHAPTER 222

Chap. 222

AN ACT to incorporate the Old South Association in Boston, and to provide for the Preservation of the Old South Meeting-House.

*Be it enacted, etc., as follows:*

Corporators.

SECTION 1. The governor of the Commonwealth, the mayor of the city of Boston, the president of Harvard College, the president of the Massachusetts Historical Society, the president of the American Antiquarian Society, and the president of the New England Historic-Genealogical Society, *ex officiis*, and William Gaston, John Lowell, Samuel E. Sewall, Edmund Quincy, Samuel A. Green, Henry Lee, Martin Brimmer and John D. Long, and their associates and successors, are hereby

Name and purpose.

made a body corporate by the name of the Old South Association in Boston, for the purpose of acquiring and holding the Old South Meeting-House in Boston and the land under and adjacent to the same upon the corner of Milk Street and Washington Street in said city, for public, historical, memorial, educational, charitable and religious uses and none other, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes and acts in addition thereto. Said corporation shall have the power to take and appropriate to the uses of said corporation, said meeting-house and land or any interest therein: *provided*, that in case it shall exercise said power, it shall within sixty days from the time of said taking and appropriation, file in the registry of deeds for the county of Suffolk a description of the premises so taken as certain as is required in a common deed of conveyance of land; and any party aggrieved thereby shall have the right to apply for a jury to assess the damages sustained by him, in the manner and

Powers and duties.

To file in registry of deeds a description of the land taken.

with the effect provided in the seventy-ninth section of chapter forty-three of the General Statutes, and upon the payment of all damages so assessed to the parties entitled thereto, or upon the failure to apply for a jury during the time limited by law, the title to said meeting-house and land shall vest in said corporation. And said corporation shall also have power, until the foregoing powers are exercised, to take a lease of said meeting-house and land, or the interest so taken, and hold the same thereunder for the purposes aforesaid.

SECTION 2. The officers of said corporation shall consist of a board of managers, the number of which shall be fixed by the by-laws, and of which the six first named in this act shall be members *ex officiis*, and two shall be elected annually by the city council of the city of Boston, and the rest shall be elected by the members of the corporation; and said managers shall elect one of their number president, and shall also elect a secretary and a treasurer. All officers shall hold over until others are chosen in their stead. New members may be admitted in such manner as the by-laws shall provide.

Board of  
managers.

SECTION 3. Said corporation may make contracts with the Commonwealth for the use of said meeting-house for the annual election sermon, and with the Commonwealth or the city of Boston for its use for any public purposes not inconsistent with the provisions of this act.

Admission of  
members.

Building may  
be used for  
certain public  
purposes.

SECTION 4. Said meeting-house and land shall be exempt from taxation while said meeting-house shall be used for any of the purposes aforesaid, and shall be exempt from any tax for the year eighteen hundred and seventy-seven.

To be exempt  
from taxation.

SECTION 5. This act shall take effect upon its passage.

*Approved May 11, 1877.*

## RESOLVE IN FAVOR OF THE CORPORATION RESOLVES OF 1878, CHAPTER 26

RESOLVE IN FAVOR OF THE OLD SOUTH ASSOCIATION IN BOSTON.

*Chap. 26*

Allowance to  
Old South As-  
sociation in  
Boston.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to the Old South Association in Boston, incorporated by chapter two hundred and twenty-two of the acts of the year eighteen hundred and seventy-seven, the sum of ten thousand dollars; the same to be used and applied for the preservation of the Old South Meeting House in Boston; payable only on satisfactory evidence furnished to the governor and council that a sum has been received from other sources which together with this amount shall be sufficient to give to this association a complete title to said meeting house and the land connected therewith, free from all debt or incumbrance. This grant is made upon condition that the free use of said meeting house shall be given to the legislature whenever requested for the preaching of the annual election sermon.

*Approved May 4, 1878.*



## BY-LAWS

(ADOPTED JANUARY 27, 1909)

The Old South Association in Boston is made a body corporate by chapter 222 of the Acts of the year 1877.

### ARTICLE I.

#### OFFICERS.

As provided by said Act the officers of said Association shall consist of a Board of Managers, a President, Secretary, and Treasurer; and all officers shall hold office until others are chosen in their stead.

### ARTICLE II.

#### BOARD OF MANAGERS.

As provided by said Act the Board of Managers shall be the Governor of the Commonwealth, the Mayor of the City of Boston, the President of Harvard College, the President of the Massachusetts Historical Society, the President of the American Antiquarian Society, the President of the New England Historic-Genealogical Society, *ex officiis*, and two persons elected annually by the City Council of the City of Boston, and the rest shall be elected by the members of the corporation, and the number of the Board of Managers shall be fixed by the By-laws.

It is hereby provided that the number of members to be so elected shall be seventeen.

The Board of Managers may determine what number of its members shall constitute a quorum.

### ARTICLE III.

#### POWERS AND DUTIES OF THE CORPORATION AND OF THE BOARD OF MANAGERS.

The scope of the work to be carried on within the Charter, and the general policy to be pursued in regard to the same, are to be determined by the corporation; but the work itself in its various departments and the ordinary business affairs of the corporation are to be transacted by the Board of Managers in the exercise of its administrative power. (See Report of Committee, and authorities cited.)

### ARTICLE IV.

#### PRESIDENT.

As provided by said Act, the Board of Managers shall elect one of its number President.

### ARTICLE V.

#### SECRETARY.

As provided by said Act, the Board of Managers shall elect a Secretary.

### ARTICLE VI.

#### TREASURER.

As provided by said Act, the Board of Managers shall elect a Treasurer.

It is hereby provided that the Treasurer shall have charge of all the moneys and funds of the corporation under the direction of the Board of Managers, and shall report to the Board of Managers or to such committee as said Board shall appoint.

## ARTICLE VII.

### NEW MEMBERS OF THE CORPORATION.

As provided by said Act, new members of the corporation may be admitted in such manner as the By-laws shall provide.

It is hereby provided that the Board of Managers shall be a committee on the nomination of members of the corporation, and that upon such nomination, but not otherwise, new members may be admitted at any meeting of the corporation by ballot, by a vote of two thirds of the members present.

## ARTICLE VIII.

### MEETINGS OF THE CORPORATION.

The annual meeting of the corporation shall be held in Boston on the fourth Wednesday of January in each year, at such hour and place as the Board of Managers may order.

Meetings of the corporation shall be called when ordered by vote of the Board of Managers, or upon request in writing to the President or Secretary, signed by at least five members of the corporation.

Notice of meetings shall be mailed to each member of the corporation at his last known post-office address at least three days in advance.

Seven members shall constitute a quorum at meetings of the corporation.

## ARTICLE IX.

### AMENDMENT OR REPEAL OF BY-LAWS.

These By-laws may be amended or repealed at any annual meeting by a vote of two thirds of the members present. They may also be amended or repealed by the like vote at any meeting in the call for which notice is given of such proposed amendment or repeal. A unanimous vote shall be necessary to suspend any By-law.

# RULES OF THE BOARD OF MANAGERS

(ADOPTED FEBRUARY 13, 1909)

The Board of Managers of the Old South Association in Boston, acting in accordance with the statement of its duties and powers set forth in the By-laws of said Association, hereby adopts the following Rules for the conduct of the business committed to it.

## ARTICLE I.

### MEETINGS.

It shall be the duty of the Secretary subject to the instructions, if any, of the Board, to call three meetings of the Board in each year, and additional meetings may be called at any time upon the request of the President, or of at least three members of the Board. Notices of meetings shall be mailed by the Secretary to each member at his last known post-office address at least three days in advance.

Five members shall constitute a quorum at meetings of the Board.

## ARTICLE II.

### EXECUTIVE COMMITTEE.

There shall be a committee upon the work of the Old South Association, which shall be called the Executive Committee. This committee shall have charge, subject to the control of the Board, of all the divisions of the work of said Board, undertaken, or which shall be undertaken by the Association, relating to the public, historical, memorial, educational, charitable, and religious uses stated in chapter 222 of the Acts of the year 1877.

This committee shall make report to the Board at its meetings.

Any member of the Association may be appointed to serve on the Executive Committee.

The President and Treasurer shall be *ex officio* members of this committee.

The number of members which shall constitute a quorum at meetings of this committee shall be fixed by vote of the Board.

### ARTICLE III.

#### COMMITTEE UPON THE PROPERTY AND THE TREASURY.

There shall be a Committee upon the Property and Treasury of the Old South Association. Subject to the control of the Board, it shall have charge of the real estate and the repairs and alterations of buildings, and the general charge and oversight of the financial interests of the Association. This committee shall make report to the Board at its meetings.

The President and Treasurer shall be *ex officio* members of this committee.

### ARTICLE IV.

#### SUB-COMMITTEES.

For greater convenience the Executive Committee and the Committee upon the Property and Treasury may appoint sub-committees to take charge of Divisions or Departments of work within the scope of its duties, said sub-committees to report to the committee appointing them.

Any member of the Association may be appointed to serve on these sub-committees.

### ARTICLE V.

#### DUTIES OF THE SECRETARY.

The Secretary shall be sworn to the faithful discharge of his duties.

It shall be his duty to call meetings of the Board as provided in Article I.

He shall promptly deposit with the Treasurer such title-deeds, agreements, and contracts, as from time to time may come into his hands, and the Treasurer shall give him receipts therefor.

## ARTICLE VI.

### DUTIES OF THE TREASURER.

The Treasurer shall have custody of all the moneys, securities, title-deeds, and contracts of the corporation, except such moneys as may be in charge of any committee. He shall collect all moneys due to the corporation, and pay all bills against the corporation, when approved by the Board, or by or under the authority of the committee authorized to incur such bills.

He shall have power to transfer stocks and securities on the written approval of one member of the Committee on the Property and the Treasury; and to assign and discharge mortgages held by the corporation on payment of the same on the same approval in writing.

He shall have power to make investments with the written consent of one member of the Committee on the Property and the Treasury.

He shall have power to appoint and discharge one Assistant Treasurer, for whom he shall be responsible, and who may sign and indorse checks as authorized by him.

He shall execute all deeds, leases, and other instruments, authorized by the Association, by the Board, or by any duly authorized committee, unless some other specific provision is made in the vote authorizing the same.

His account shall be audited yearly or oftener by an accountant appointed by the Committee on the Property and the Treasury.

## ARTICLE VII.

### AMENDMENT OF RULES.

By a vote of two thirds of the members present these Rules may be amended at any meeting of the Board in the call for which notice is given of such proposed amendment. A unanimous vote shall be necessary to suspend any Rule.

EXTRACT FROM THE WILL OF  
MARY HEMENWAY

The residue is given in trust for fifteen years —

“to and for such one or more of the various objects and undertakings hereinafter provided for, or other like public objects, selected and adjudged best by said Trustees in such sums and proportions and in such manner as said Trustees shall deem best, subject to any positive order or direction herein given, but always and only for such charitable uses for the public benefit as are allowed and can be sustained by law, of the general character and objects herein described as authorized.

. . . . .  
“Among the undertakings which I am interested in are,—

. . . . .  
“2. The historical and educational work connected with the Old South Meeting House by lectures, leaflets, and other publications which has been heretofore carried on or assisted by me.”

[Will proved in Norfolk County, Probate Docket No. 30198, April 4, 1894. Testatrix died March 6, 1894.]

EXECUTORS OF MARY HEMENWAY  
PETITIONERS FOR INSTRUCTIONS

v.

WELLESLEY COLLEGE ET AL.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS. SUPREME JUDICIAL COURT. IN EQUITY.

---

AUGUSTUS HEMENWAY, of Canton, HORATIO A. LAMB, of Milton, both in the County of Norfolk, and MORRIS GRAY, of Newton, in the County of Middlesex, as they are Trustees of the estate given in trust under the last will and testament of Mary Hemenway, late of Milton, in the County of Norfolk; Plaintiffs,

v.

WELLESLEY COLLEGE, an educational corporation, duly established under the laws of said Commonwealth, OLD SOUTH ASSOCIATION in Boston, a corporation duly established under an Act of the Commonwealth of Massachusetts, approved May 11, 1877, PRESIDENT AND FELLOWS OF HARVARD COLLEGE, an educational corporation, duly established under the laws of said Commonwealth, and the ATTORNEY GENERAL of said Commonwealth; Defendants.

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(Suffolk County Supreme Judicial Court No., 12908.)

COPY OF PART OF DECREE

This cause came on to be heard upon bill and answer of all defendants, and thereupon, with the consent of counsel representing all parties, it is ordered, adjudged and decreed,

. . . . .



(c) That the bill of complaint be retained without prejudice for such further order and decree as to the Court may seem proper pertaining to the matters as alleged therein of appropriating and paying out of the accumulated income derived from said trust estate, a sum approximating fifteen to twenty thousand dollars (\$15,000.00—\$20,000.00), to the Old South Association in Boston, a corporation duly established under the laws of said commonwealth.

Decree entered Sept. 17, 1908.

### FINAL DECREE

This cause came on to be further heard, and, it appearing that an interlocutory decree was entered on the seventeenth day of September, A.D., 1908, directing the plaintiffs to appropriate and pay over certain portions of the accumulated income derived from said trust estate to Wellesley College and to the President and Fellows of Harvard College, educational corporations, duly established under the laws of said Commonwealth and retaining the case for further order and decree as to the matters concerning the Old South Association in Boston, a corporation duly established under the laws of said Commonwealth, thereupon, upon consideration, it is, ordered, adjudged and decreed, that the terms of said interlocutory decree be, and they are hereby, adopted and made a part hereof, and, further, that the plaintiffs are authorized under the terms of the will of said Mary Hemenway:

To appropriate and pay over, out of the accumulated income derived from said trust estate, a sum approximating Fifteen to Twenty Thousand Dollars (\$15,000.00 — \$20,000.00) to the Old South Association in Boston, a corporation duly established under the laws of said Commonwealth, the same to be held and managed solely by said Association and known as “The Mary Hemenway Fund for Old South Work,” and the income

derived therefrom to be applied by said Association for the purpose of carrying on the Old South Work, as carried on and approved by the said Mary Hemenway, or in some normal or natural development thereof; said fund is also to be held by said Association, subject to the condition that in case said Association shall ever, for any reason cease to use the income of the fund so given to it towards carrying on the Old South Work, as aforesaid, it shall thereupon transfer and pay over said fund as it shall then exist, together with any accumulated income, to the President and Fellows of Harvard College, an educational corporation, duly established under the laws of said Commonwealth, to be managed solely by said last named corporation and the income therefrom applied by it to the teaching of American history, with a view to developing the best citizenship. As a condition precedent to the receipt of said fund, said Association shall obligate itself to appropriate, for the period of three years from and after March 6, 1909, a sum not less than the income that shall be realized from said gift during such three year period and to apply the same for the purpose of carrying on the Old South Work, as carried on and approved by the said Mary Hemenway, or in some normal or natural development thereof.

JOHN W. HAMMOND

Dec. 5, 1908

Justice Supreme Judicial Court.

Assented to:

ROPES GRAY & GORHAM

for HARVARD COLLEGE

RICHARD W. HALE.

for OLD SOUTH ASSOCIATION.

I do not care to be heard on the above decree,

DANA MALONE, Attorney General

by FRED T. FIELD,

Asst. Attorney General.

## MARY HEMENWAY'S TRUSTEES WITH OLD SOUTH ASSOCIATION

(INDENTURE AUTHORIZED BY FOREGOING DECREE)

INDENTURE made this twelfth day of December, A.D. 1908, by and between AUGUSTUS HEMENWAY, HORATIO A. LAMB, and MORRIS GRAY, Trustees under the will of Mary Hemenway, late of Milton, in the County of Norfolk and Commonwealth of Massachusetts, deceased, testate, (hereinafter called the Trustees) of the FIRST PART, and the OLD SOUTH ASSOCIATION IN BOSTON, a corporation duly established under an Act of the Commonwealth of Massachusetts, approved May 11, A.D. 1877, of the SECOND PART (hereinafter called the Corporation)

WITNESSETH:

WHEREAS the said Mary Hemenway who died on the sixth day of March 1894 by her will, duly proved and allowed at a Probate Court holden at Dedham within and for the County of Norfolk on the fourth day of April 1894, gave all the residue of her property to Trustees, to hold for the period of fifteen (15) years from and after her decease and to appropriate, pay over, expend and dispose of the nett income thereof for such one or more of the various objects and undertakings in said will provided for, or other like public objects selected and adjudged best by said Trustees in such sums and proportions and in such manner as said Trustees shall deem best, subject to any positive order or direction therein given but always and only for such charitable uses for the public benefit as are allowed and can be sustained by law of the general character and objects therein described or authorized.

And WHEREAS the testatrix was as specified in her will, much interested in "the Historical and Educational Work

connected with the Old South Meeting House by lectures, leaflets and other publications which has been . . . before the making of said WILL carried on or assisted by" her and

WHEREAS the said Trustees have since the death of Mrs. Hemenway been carrying on the Old South Work to a great extent as specified in said Will, and

WHEREAS the Trustees believed that the testatrix hoped that such work would be permanently carried on even after the expiration of said fifteen years from the date of her death, and

WHEREAS the Trustees with this in view have laid aside from the income of the trust estate in their possession the sum of Twenty thousand dollars (\$20,000 — and

WHEREAS the said Corporation is willing to accept the said sum of Twenty thousand dollars (\$20,000) to be held as a separate fund and known as "The Mary Hemenway Fund for Old South Work" and the income only therefrom to be applied by said Association for the purpose of carrying on the Old South Work as carried on and approved by said Mary Hemenway or in some normal and natural development,

NOW BE IT KNOWN that the Trustees in consideration of the premises and acting by virtue and in execution of a decree of the Supreme Judicial Court sitting in Equity within and for the County of Suffolk entered in the case of Augustus Hemenway and others against Wellesley College and others, dated December 5, 1908 do intend on or before March 1, 1909 to assign, transfer and set over unto the said Old South Association, in Boston, the said sum of Twenty thousand dollars (\$20,000)

And the Old South Association in Boston, in consideration of the premises agrees to accept said sum and agrees when received, to hold, invest and re-invest the same as a separate fund to be known as "THE MARY HEMENWAY FUND FOR OLD SOUTH WORK" and to apply the income thereof only from time

to time for the purpose of carrying on the Old South Work as carried on and approved by the said Mary Hemenway or in some normal or natural development thereof.

And for the consideration aforesaid the said Corporation further covenants and agrees to and with the said Trustees and their successors in office and to and with each of the descendants of the said Mary Hemenway that it will for the period of three years from and after March 1, 1909, appropriate from its property other than the above gift of Twenty thousand dollars (\$20,000) and its income a sum not less than the income that shall be received from said gift from said Trustees, during such three year period and will apply the same in addition to the income so received from said gift from said Trustees, for the purpose of carrying on the Old South Work as carried on and approved by the said Mary Hemenway or in some normal or natural development thereof.

And it further covenants and agrees to and with the said Trustees and their successors and with the said descendants of the said Mary Hemenway and with the President and Fellows of Harvard College hereinafter named that if it shall ever after the expiration of said three years, for any reason cease to use the income of the fund so given to it towards carrying on the Old South Work as aforesaid it shall thereupon transfer and pay over the principal of said fund as it shall then exist together with any accumulated income to the Presidents and Fellows of Harvard College an educational corporation duly established under the laws of said Commonwealth to be managed solely by said last named corporation and the income therefrom applied by it to the teaching of American History, with a view to developing the best citizenship.

IN WITNESS WHEREOF, the said Augustus Hemenway, Horatio A. Lamb and Morris Gray, Trustees as aforesaid have hereto set their hands and seals and the Old South Association in Boston has caused its corporate seal to be hereto

affixed and these presents to be signed, sealed, acknowledged and delivered in its name and behalf by Charles W. Eliot, George A. Goddard and Richard W. Hale a Committee thereto duly authorized the day and year first above written.

AUGUSTUS HEMENWAY, [SEAL]  
HORATIO A. LAMB, [SEAL]  
MORRIS GRAY, [SEAL]

Trustees as aforesaid.

OLD SOUTH ASSOCIATION IN BOSTON,

By CHARLES W. ELIOT,

GEORGE A. GODDARD,

RICHARD W. HALE,

Committee.

[SEAL OF OLD SOUTH ASSOCIATION IN BOSTON.  
INCORPORATED MAY 11, 1877.]

## EXTRACT FROM THE WILL OF CHARLES E. FRENCH

Will proved Suffolk County Probates, Docket No. 129,002. Testator died November 28, 1904. Petition for probate filed December 22, 1904. Will and codicils allowed: January 5, 1905.

“I give to the trustees of the Old South Meeting House Preservation Society, Milk St. Boston Three Thousand Dollars (\$3,000) in trust, the income to be expended in repairs on the building—also (outright) the iron fire back from the Old Hancock House and the Two pew seats from the Brattle Square Church, now in the loan collection, —”

# OLD SOUTH ASSOCIATION WITH OLD SOUTH BUILDING TRUSTEES

## (AGREEMENT)

THIS INDENTURE made this twentieth day of December 1902 between the "Old South Association in Boston" a corporation organized in the Commonwealth of Massachusetts under Chapter 222 of the Acts of the year 1877 party of the first part and Richard Olney of Boston and Moorfield Storey of Lincoln in said Commonwealth, Trustees of the Old South Building Trust under an Indenture of Trust dated the first day of March 1902 and recorded in the Suffolk Registry Book 2823 page 17 party of the second part,

WITNESSETH:—

That the said party of the first part doth hereby grant unto the said party of the second part an easement of uninterrupted light and air over the premises hereinafter described above the level of the grass plot on the northerly side of the tower of the Old South Meeting House and the right to project over not exceeding five feet of said premises and to maintain thereover cornices window-sills, blinds, shutters, window-sashes, awnings and like projections on and from the southerly wall of a building on Washington street in said Boston now in the course of construction for the party of the second part.

The premises above referred to and over which said easements are granted are situated in said Boston and bounded as follows: Westerly on Washington Street; northerly by land held by the party of the second part for a term of years under said Indenture of Trust ninety-seven and  $\frac{3}{10}$  (97.3) feet; easterly by the same and southerly by a line coincident with the northerly face of the northerly side wall of the Meeting

House extended in a straight line to said Washington Street. The right to maintain eaves, cornices and other ordinary projections of said side wall and to use blinds, shutters and awnings thereon is reserved.

The easements and rights above granted are to begin on the first day of April 1903 and are to continue until the first day of May 1977 provided however that if during the period of this grant the said Meeting House shall be damaged or destroyed in any manner or by any cause whatever or shall be in whole or part taken by right of eminent domain, or under any exercise of "police power" so-called, so that said Association shall determine that it is not expedient longer to continue the use of the same for the purposes prescribed by its charter and that it is expedient to make a use of the servient premises under its charter inconsistent with their remaining open as herein provided or to sell the same, this agreement may then be terminated by an appropriate notice in writing served by the party of the first part upon the party of the second part and fixing the day for such termination at a date not less than three months from the time of such service.

And in consideration of said grant the party of the second part pursuant to the authority given it by the provisions of said Indenture of Trust hereby agrees to pay to the party of the first part and its successors or assigns the sum of Six thousand dollars yearly in quarterly payments, the first payment to be made on the first day of July 1903, and at the same rate for any part of a quarter unexpired at the legal termination of this lease, without any reduction on account of any future taking of part of the above mentioned premises by the City of Boston or other public authority for any purpose, or on account of any release or conveyance by the party of the first part of any part thereof for the widening of Washington Street, and it hereby assigns to the party of first part any claim and right of action which it may hereafter have against said city or other public



authority for any such taking and any right and title to the land so released or conveyed and any claim to compensation therefor, but if the whole of the premises over which the said easements are hereby extended, or the major part thereof, is taken by the city of Boston or other public authority, or if the substantial enjoyment of the easements hereby created be impaired either by any structure placed on any portion of said premises taken by the city or other public authority pursuant to and in connection with such taking or otherwise, the party of the second part shall have the right at its option either to terminate this agreement upon assigning to the party of the first part any claim and right of action which it may have growing out of such taking, or upon executing such assignment to demand and receive a reasonable reduction in the annual payment thereafter to be made hereunder, such reduction to be fixed by arbitration if the parties are unable to agree upon the same.

The party of the second part further agrees that after April first and not later than July first 1903 it will tear down the building now standing on said premises and suitably repair, make whole and refinish the northerly side wall of said Meeting House where said building abuts upon or is built into the same and for a distance of sixty-nine (69) feet from the present line of Washington Street will suitably fill in, grade and sod said premises to the level of said grass plot on the northerly side of the tower of said Meeting House and will build a fence in front of said premises joining and conforming to the fence now enclosing said grass plot.

It is hereby further stipulated that any claim for debt or damages under the reservation of payment or any of the covenants on the part of the party of the second part herein contained shall be a charge upon and shall be enforceable against the property and effects subject to the trusts of the said Indenture at the time of proceedings to enforce the same, but neither

said Richard Olney nor said Moorfield Storey, nor any trustee or shareholder present or future under the Old South Building Trust shall be held to any personal liability under or by reason of this instrument, and that the party of the first part shall look only to the funds and property of the Old South Building Trust for the payment of any and all claims under this instrument or for the payment of any damage, judgment, or decree, or of any money that may otherwise become due or payable to the party of the first part from the party of the second part, so that neither the party of the second part, nor any successors or successor in said trust, nor any shareholder thereunder, present or future, shall be personally liable therefor.

IN WITNESS WHEREOF the Old South Association in Boston has caused this instrument (being in duplicate) to be signed and sealed in its name and behalf by Reginald Gray, its Treasurer, and the said Trustees have hereunto set their hands and seals on the day and year first above mentioned.

THE OLD SOUTH ASSOCIATION

IN BOSTON [SEAL]

By REGINALD GRAY Treasurer [SEAL]

RICHARD OLNEY [SEAL]

MOORFIELD STOREY [SEAL]

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

BOSTON.

On this twenty-third day of December 1902, before me appeared Reginald Gray to me personally known who being by me duly sworn did say that he is the Treasurer of the Old South Association in Boston and that the foregoing instrument was signed and sealed by him in behalf of said Corporation pursuant to its authority and said Reginald Gray

acknowledged said instrument to be the free act and deed of said Corporation.

GEORGE GLOVER CROCKER, JR.  
Justice of the Peace.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

BOSTON. Dec. 22, 1902

On this 22d day of December 1902, before me appeared Richard Olney to me personally known who acknowledged the foregoing Indenture to be his free act and deed.

FELIX RACKEMANN  
Justice of the Peace.

We the undersigned approve the foregoing Indenture.

CHARLES W. ELIOT President  
REGINALD GRAY Treasurer  
GEORGE A. GODDARD  
ROBERT R. BISHOP  
GEORGE G. CROCKER

At a duly called meeting of the Old South Association in Boston, held on November fourth 1902, a quorum being present the following motion was adopted:—

That the Treasurer be and he hereby is authorized to sign, seal, acknowledge and deliver on behalf of the Old South Association in Boston, an instrument or instruments granting rights of light and air over land of the Association for the building to be erected by the Trustees of the Old South Building Trust together with the right to maintain certain projections from the said building until the first day of May in the year nineteen hundred seventy-seven (1977) in such form and subject to such limitations, conditions, provisions and terms as may be approved by the building committee of the Association

or a majority thereof, at a yearly payment of not less than six thousand dollars.

The Committee on the Building consists of the President, Charles W. Eliot, — the Treasurer, Reginald Gray, — the Secretary, George A. Goddard, and Messrs. Robert R. Bishop and George G. Crocker.

Attest: GEORGE A. GODDARD

Secretary.

BOSTON, December 24, 1902 at 12 o'clock and 57 minutes P.M. Received and Entered with Suffolk Deeds. Libro 2872 Page 107

Attest: THOS. F. TEMPLE

Register

## SUBWAY TAKING OF 1907

WHEREAS, George G. Crocker, Thomas J. Gargan, George F. Swain, Horace G. Allen and Josiah Quincy, constitute the Boston Transit Commission, and said Commission at regular meeting held this twenty-sixth day of February, 1907, at which meeting a quorum was present, by vote adopted the following motion:

“The Boston Transit Commission deems that it is necessary for the purposes set forth in chapter 534 of the acts of the Legislature of the Commonwealth of Massachusetts for the year 1902, being ‘An act to provide for the construction of additional tunnels and subways in the city of Boston,’ to take in fee for the city of Boston portions or sections of real estate in said city, bounded by vertical and horizontal planes as herein-after described.

“The exterior vertical planes are those which contain the lines of a traverse hereinafter described and which are shown on plan entitled ‘Plan and section showing taking for a portion of the Boston Tunnel and Subway,’ dated February 26, 1907, signed by a majority of the Commission, and H. A. Carson, the Chief Engineer of the Commission, numbered 8112, and to be recorded herewith in the Registry of Deeds for the County of Suffolk.

“The traverse is described as follows: Beginning at a point ‘A’ in the southeasterly line of Washington street at the intersection of said line with the northeasterly building line of the tower of the Old South Meeting House, so-called; thence running southeasterly along the line ‘AB’ which line forms said northeasterly building line of the tower of the Old South Meeting House, so-called, sixteen and ninety one-hundredths (16.90) feet to a point ‘B;’ thence running northeasterly along

the line 'BC,' which line forms the northwesterly building line of the Old South Meeting House, so-called, twenty-three and ninety one-hundredths (23.90) feet to a point 'C;' thence running southeasterly along the line 'CD,' which line forms the northeasterly building line of said Old South Meeting House, so-called, about seventy-eight and seventythree one-hundredths (78.73) feet to a point 'D;' thence running northeasterly along the line 'DE,' which line forms, with said line 'CD,' an angle of ninety-six (96) degrees, forty (40) minutes, forty-five (45) seconds, about fourteen and fortyfour one-hundredths (14.44) feet to a point 'E' in the southwesterly building line of said Old South Building, so-called; thence running northwesterly along the line 'EF,' which line forms, as far as the point 'e<sub>15</sub>,' the southwesterly building line of said Old South Building so-called, about ninety and fortyseven one-hundredths (90.47) feet to a point 'F' in said southeasterly line of Washington street; thence running southwesterly along said southeasterly line of Washington street, forty-nine and thirtyseven one-hundredths (49.37) feet to the point of beginning.

"Within the said exterior vertical planes the respective portions or sections are bounded by vertical planes containing the lines:

a <sub>1</sub> -b <sub>1</sub>	c <sub>5</sub> -e <sub>10</sub>	c <sub>11</sub> -e <sub>4</sub>
C-h	c <sub>6</sub> -e <sub>9</sub>	c <sub>12</sub> -e <sub>3</sub>
c <sub>1</sub> -e <sub>14</sub>	c <sub>7</sub> -e <sub>8</sub>	c <sub>13</sub> -e <sub>2</sub>
c <sub>2</sub> -e <sub>13</sub>	c <sub>8</sub> -e <sub>7</sub>	c <sub>14</sub> -e <sub>1</sub>
c <sub>3</sub> -e <sub>12</sub>	c <sub>9</sub> -e <sub>6</sub>	f <sub>1</sub> -i
c <sub>4</sub> -e <sub>11</sub>	c <sub>10</sub> -e <sub>5</sub>	f <sub>2</sub> -b <sub>1</sub>

as shown on said plan.

"Said respective portions or sections are confined between lower and upper horizontal planes whose respective boundaries and levels are shown in the following table, the elevations of

said levels being referred to a datum one hundred feet below Boston base, so-called:

Prism designated by	Lower Plane	Upper Plane
a <sub>1</sub> -B-b <sub>1</sub>	113.00	138.50
A-a <sub>1</sub> -b <sub>1</sub> -f <sub>2</sub>	101.50	148.50
f <sub>2</sub> -b <sub>1</sub> -C-h-f <sub>1</sub>	98.50	148.50
f <sub>1</sub> -i-e <sub>14</sub> -F	102.90	148.50
C-c <sub>1</sub> -i-h	102.00	148.50
c <sub>1</sub> -c <sub>2</sub> -e <sub>13</sub> -e <sub>14</sub>	103.35	148.50
c <sub>2</sub> -c <sub>3</sub> -e <sub>12</sub> -e <sub>13</sub>	103.79	148.50
c <sub>3</sub> -c <sub>4</sub> -e <sub>11</sub> -e <sub>12</sub>	104.24	148.50
c <sub>4</sub> -c <sub>5</sub> -e <sub>10</sub> -e <sub>11</sub>	104.68	148.50
c <sub>5</sub> -c <sub>6</sub> -e <sub>9</sub> -e <sub>10</sub>	105.13	148.50
c <sub>6</sub> -c <sub>7</sub> -e <sub>8</sub> -e <sub>9</sub>	105.57	148.50
c <sub>7</sub> -c <sub>8</sub> -e <sub>7</sub> -e <sub>8</sub>	106.02	148.50
c <sub>8</sub> -c <sub>9</sub> -e <sub>6</sub> -e <sub>7</sub>	106.46	148.50
c <sub>9</sub> -c <sub>10</sub> -e <sub>5</sub> -e <sub>6</sub>	106.91	148.50
c <sub>10</sub> -c <sub>11</sub> -e <sub>4</sub> -e <sub>5</sub>	107.35	148.50
c <sub>11</sub> -c <sub>12</sub> -e <sub>3</sub> -e <sub>4</sub>	107.35	142.60
c <sub>12</sub> -c <sub>13</sub> -e <sub>2</sub> -e <sub>3</sub>	114.75	142.60
c <sub>13</sub> -c <sub>14</sub> -e <sub>1</sub> -e <sub>2</sub>	116.25	142.60
c <sub>14</sub> -D-E-e <sub>1</sub>	118.50	142.60

“Said Commission also deems that it is necessary for the purposes set forth in said act to take in fee for said city an easement or right to suitable support below said lower levels by the soil or otherwise of the structures which may be placed within said portions or sections, but reserving to the owner of said premises within which this easement is taken, its heirs and assigns,

“First. The right to the exclusive use of the area a<sub>1</sub>-B-b<sub>1</sub> at or above elevation 138.50

“Second, The right to use such portions of a<sub>1</sub>-B-b<sub>1</sub> below elevation 138.50 as may be necessary to obtain entrance to the

basement of the adjoining premises, any alterations in the structure erected by said Commission in the premises hereby taken to be made by the owner of said premises in such manner as shall be approved by said Commission, or, in the event of the termination of the existence of said Commission, by the Mayor, City Engineer and City Treasurer of Boston, or such other officers as the City Council may prescribe.

“Third. The right to use in common with others as a foot passage the area  $A-a_1-b_1-c-M-m_1-m_2-N-F$  between the top of said structure at about elevation 138.50 and elevation 148.50, except such portions thereof as are to be used for stairways and their coverings, approximately as indicated on said plan.

“Fourth. The right to the exclusive use at or above elevation 138.50 of the area  $M-c_{10}-e_5-N-m_2-m_1$ , together with the right to support stairways or other overhead structures upon the roof of the structure to be erected within this area below elevation 138.50 so far as such support will not injure such structure, subject only to the right of said Commission or said city, or its successors or assigns, to enter upon said area from time to time as may be necessary for the original construction or repair of the structure and its appurtenances erected in this taking.

“Fifth. The right to use in common with others as a foot passage the area  $c_{13}-D-E-e_2$  between the top of said structure at about elevation 132.60 and elevation 142.60, except such portions thereof as are to be used for stairways and their coverings and air duct, approximately as indicated on said plan.

“Sixth. The right to the exclusive use below elevation 131.50 and above elevation 122.83 of the area  $R-D-d_1-r_1$  without injury to or interference with the use and support of said area at or above elevation 131.50; subject to the right of said Commission or said city, or its successors or assigns to maintain a pipe therein not exceeding twelve (12) inches in diameter and not going below elevation 129 in said area, and to the right of said



Commission or said city, or its successors or assigns to enter upon said area from time to time as may be necessary for the original construction or repair of the structure and its appurtenances erected in this taking.

“Seventh. The right, within the area  $d_2$ - $d_1$ -E- $d_3$  and approximately at the elevation shown on said plan, within the space provided therefor by said Commission, to install and use a pipe or conduit at least two (2) feet in diameter.

“Eighth. The right to enter the adjoining buildings from any part of the area included in said traverse, except such portions thereof as are to be used for stairways and their coverings and air duct, approximately as indicated on said plan.

“Ninth. The right to cover the area A- $a_1$ - $b_1$ -C- $c_{11}$ - $e_4$ -F at or above elevation 148.50.

“Tenth. The right to cover the area  $c_{11}$ -D-E- $e_4$  at or above elevation 142.60.

“Eleventh. The right to suitable support on the top of the northeasterly wall of said structure from the point ‘E’ to the point ‘ $e_{15}$ ’ for buildings hereafter altered or erected in conformity with law and with the ordinances and requirements of said city, or to the equivalent of such support, provided that there shall be no obstruction or interference with the use of said portions or sections as herein taken, or unnecessary injury to said structures.

“Twelfth. The right to suitable support at elevation 148.50 near the points ‘F’ and ‘ $f_2$ ’ on posts to be erected whenever necessary by said Commission or its successors, as aforesaid, or to the equivalent of such support, provided that there shall be no other obstruction or interference with the use of said portions or sections as herein taken, or unnecessary injury to said structures.

“The owner of the real estate in and through which said easements and rights are located is supposed to be The Old South Association in Boston.

“WHEREFORE, said estate, easements and rights are hereby taken in fee for the city of Boston in part execution of the authority conferred by said chapter 534 of the acts of the year 1902 and of every other power and authority said Boston Transit Commission hereto enabling.”

Now, therefore, the Boston Transit Commission in accordance with the foregoing vote and pursuant to the act therein referred to hereby certifies and states that under and by virtue of the authority conferred by said act, and in part execution thereof, and for the reasons therein set forth, and by virtue of every other power and authority it hereto enabling, the estate, easements and rights above described are taken by it in fee for the city of Boston.

IN WITNESS WHEREOF, We, the undersigned constituting a majority of the Boston Transit Commission hereto set our hands this twenty-sixth day of February in the year nineteen hundred and seven.

GEORGE F. SWAIN	}	Boston Transit Commission.
HORACE G. ALLEN		
JOSIAH QUINCY		

## DEED OF BUILDING, 1876

This Indenture made this eleventh day of October, in the year of our Lord eighteen hundred and seventy six, by and between the Old South Society in Boston, a corporation duly established by law, in Boston, in the County of Suffolk and Commonwealth of Massachusetts, party of the first part, said corporation acting by virtue and in pursuance of a decree of the Supreme Judicial Court, a copy of which is recorded with Suffolk Deeds, Lib. 1333, fol. 53, and of every right and power it enabling, and Royal M. Pulsifer of Newton, in the County of Middlesex and Commonwealth of Massachusetts, party of the second part.

Witnesseth:

That said corporation in consideration of one dollar and other valuable consideration to it paid by said party of the second part, the receipt whereof is hereby acknowledged, does hereby sell, convey and transfer unto said Royal M. Pulsifer, party of the second part, the building formerly known as the Old South Meeting House, now situated on the lot of land at the corner of Milk and Washington Streets in said Boston, which lot of land has been this day conveyed by said corporation to said party of the second part, by deed of even date and to be recorded herewith.

Provided, Nevertheless, and this conveyance of said edifice is upon the express condition, that said building shall not at any time during the period of thirty years from the date of this Indenture, be used for any business or commercial purpose, and shall be used during said period for historical and memorial purposes only, and that it shall not at any time during said period, be used for any purpose whatever on Sunday, except so far as necessary for the care and preservation of said building and contents.

And in case of breach of the foregoing conditions or any of them, said building shall be forfeited to said Old South Society in

Boston, and said Old South Society in Boston reserves the right to enter for breach of condition and enforce said forfeiture and take down and remove said building, but such entry shall not be made till after ninety days notice in writing, such notice to be given within sixty days of the breach, and if for any reason personal notice to the owner cannot be conveniently given because of the absence of such owner, or other impediment, notice posted on the front of the building shall suffice, and proof of having so posted such notice ninety days before the entry, shall constitute proof of ninety days notice, unless it is shown that such notice was during said period, taken down by said Society or its authorized agent, and no failure to enforce the forfeiture for any breach, shall be construed a waiver of the condition, or impair the right to forfeiture for any subsequent breach.

It is distinctly understood that at any time before breach of condition, the building may be removed by its owners to any other locality, and that the building in any other locality may be used for any purpose its owners may see fit.

When the present edifice is torn down, whether under such circumstances that the whole thereof belongs to the Old South Society in Boston or not, said Society is to have the corner stones and any memorials under the same.

It is further understood that the foregoing provisions shall not in any manner constitute a waiver of the grantor's right to enforce the above conditions by way of injunction or otherwise, as it may deem most effectual, in addition to the remedy by entry and forfeiture above provided.

To Have and to Hold the said edifice to the said party of the second part, his heirs, executors, administrators and assigns, subject to the foregoing conditions.

The said party of the second part joins herein in token of his acknowledgment that the above conditions and the observance thereof, according to their true intent, constitute an essential part of the consideration of this conveyance.

In witness whereof, said Old South Society in Boston, has caused its corporate seal to be hereto affixed, and these presents to be signed in its behalf by Charles Blake its Treasurer, and to be countersigned by a majority of its Standing Committee, said Committee consisting of the following persons, Samuel Johnson Avery Plumer Joshua B. Kimball William Hilton Thomas J. Hadley Charles A. Morss Samuel R. Payson Frederick D. Allen and Charles L. Pitkin said Treasurer and Committee being hereto duly authorized by vote of said Society, a copy of which is contained in the decree a copy of which decree is recorded as aforesaid with Suffolk Deeds Lib. 1333 fol. 53, and said party of the second part has hereunto set his hand and seal, the day and year first above written.

THE OLD SOUTH SOCIETY IN BOSTON

by CHARLES BLAKE Treasurer [OLD SOUTH SEAL]

Countersigned and approved

SAMUEL JOHNSON  
JOSHUA B. KIMBALL  
WILLIAM HILTON  
AVERY PLUMER  
THOMAS J. HADLEY  
CHARLES A. MORSS  
ROYAL M. PULSIFER

Majority of standing Committee [SEAL]

words "hereto annexed" erased and words "contained in the decree a copy of which decree is recorded as aforesaid with Suffolk Deeds Lib 1333 fol 53" written in

Signed, sealed and delivered in presence of

F. V. BALCH to C.B. S.J. J.B.K. W.H. A.P. T.J.H. and  
C.A.M. and R.M.P.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS:

BOSTON, October 11th 1876.

Then personally appeared the Old South Society in Boston, by Charles Blake its Treasurer, and acknowledged the above instrument to be its free act and deed.

Before me,

FRANCIS V. BALCH

Justice of the Peace.

BOSTON, October 18, 1876 at 1 o'clock P.M. Received & Entered with Suffolk Deeds, Lib. 1350, Fol 59

Attest THOS. F. TEMPLE Reg.

DEED OF LAND, 1876

Know all men by these Presents, that the Old South Society in Boston, a corporation duly established by law in Boston, in the County of Suffolk and Commonwealth of Massachusetts, acting by virtue and in pursuance of a decree of the Supreme Judicial Court, dated May 31, 1876, in the cause Old South Society *versus* Uriel Crocker *et al* In Equity, Suffolk County, April Term 1876, a copy of which decree is recorded Lib. 1333, fol 53, of Suffolk Deeds, and of every other right, power and authority said Society enabling, and in consideration of Four hundred thousand dollars paid by Royal M. Pulsifer of Newton, in the County of Middlesex and Commonwealth of Massachusetts, the receipt whereof is hereby acknowledged, does hereby bargain, sell, remise, release and forever quitclaim unto the said Royal M. Pulsifer, his heirs and assigns, all that parcel of land situate at the corner of Washington and Milk Streets in said Boston, but without the buildings thereon, said premises being bounded and described as follows, viz: — Beginning at the corner of Milk Street and of Washington Street,

and running a little East of North along said Washington Street twenty four (24) feet to the side wall of the porch or front entrance of the church edifice now upon the premises; thence turning and running a little North of West still along said Washington Street two and one-half ( $2\frac{1}{2}$ ) inches; thence turning and running again a little East of North, still along said Washington Street in front of said porch nineteen (19) feet, one and one half ( $1\frac{1}{2}$ ) inches; thence turning and running a little South of East still along said Washington Street two and one-half ( $2\frac{1}{2}$ ) inches; thence turning and running North Easterly still along said Washington Street forty nine (49) feet, seven and one-half ( $7\frac{1}{2}$ ) inches, to the Southerly face of the Southerly brick wall of the Southerly store of the block of stores on Washington Street belonging to said Grantor, at a point three and one-quarter ( $3\frac{1}{4}$ ) inches from the front of said store; thence turning and running a little South of East along said face of said brick wall and the same line produced, in all ninety seven and three tenths ( $97\frac{3}{10}$ ) feet, more or less, to the space indicated as a passageway, on the plan hereinafter mentioned, at a point distant thirteen and seventy-hundredths ( $13\frac{70}{100}$ ) feet (along the same line produced) from the Westerly face of the Westerly wall of the Westerly store of the block of stores belonging to the Grantor, on Milk Street; thence turning and running a little East of South along the Westerly side of said space indicated as a passageway forty five and twenty-hundredths ( $45\frac{20}{100}$ ) feet to a point where said space indicated as a passageway is ten and twenty-seven hundredths ( $10\frac{27}{100}$ ) feet wide, measuring perpendicularly from said Westerly face of said Westerly wall of said Milk Street store, thence turning and running more Southerly a little West of South still along the Westerly side of said space indicated as a passageway thirty-six (36) feet to said Milk Street at a point distant fifteen and sixteen one hundredths ( $15\frac{16}{100}$ ) feet Westerly from said Westerly face of said

Westerly wall of said Milk Street store measuring along said Milk Street; thence turning and running Westerly, a little Northerly along said Milk Street seventeen and eleven hundredths ( $17 \frac{11}{100}$ ) feet, more or less; thence turning and running Westerly, a little more Northerly, along said Milk Street seven (7) feet, one (1) inch to the rear wall of said church; thence turning South Westerly still on said Milk Street six (6) inches; thence turning and running North Westerly along said Milk Street twenty six (26) feet, six (6) inches; thence turning and running nearly Westerly along said Milk Street fourteen (14) feet, ten (10) inches; thence turning and running North Westerly along said Milk Street twelve (12) feet, four and one-half ( $4 \frac{1}{2}$ ) inches; thence turning and running North Westerly but more Northerly than before, fourteen (14) feet, ten (10) inches along said Milk Street; thence turning and running North Westerly again, but more Westerly twenty six (26) feet along said Milk Street; thence turning and running along said Milk Street North Easterly six and one-half ( $6 \frac{1}{2}$ ) inches; thence turning and running North Westerly again along said Milk Street seventeen (17) feet, five (5) inches to point of beginning. Being the lot marked A B C D E F G H I A on a plan to be recorded herewith, being a copy of a plan, of Alexander Wadsworth, Surveyor dated Boston, Dec. 13, 1866, made by Fuller and Whitney, Sept. 22, 1876; and containing according to said plan Ten thousand two hundred and ninety five and sixty-six hundredths ( $10295 \frac{66}{100}$ ) square feet of land, reference to said plan being hereby had for a more particular description, or however otherwise said premises may be bounded or described, and be all or any of said measures and said contents more or less. Said premises are the same described in the decree aforesaid, and the plan thereto annexed, except that said space indicated as a passageway which is included in the description in said decree and the plan thereto annexed is not hereby conveyed.



Said space indicated as a passageway, is shown on said plan and is described as follows, reference being had to said plan, namely: — Southerly on Milk Street fifteen and sixteen hundredths ( $15 \frac{16}{100}$ ) feet; North Easterly by land of the Grantor thirteen and seventy-hundredths ( $13 \frac{70}{100}$ ) feet, on a line which is a continuation of a line along the Southerly face of the Southerly brick wall of the Southerly store of the block of stores belonging to Grantor on Washington Street, on the East by land of the Grantor by a line along the Westerly face of the Westerly wall of the Westerly store in the block of stores belonging to the Grantor on Milk Street seventy five and eighty-three hundredths ( $75 \frac{83}{100}$ ) feet and Westerly by the premises hereby conveyed and above described on two lines forty five and twenty-hundredths ( $45 \frac{20}{100}$ ) feet and thirty six (36) feet respectively.

The premises are conveyed with a right of light and air over said space indicated as a passageway; and with the right if and so long as the owners of the land are owners of the present edifice thereon, to maintain the same projecting over a part of said passageway as it now is, but with no other right or easement therein.

It is understood and agreed that the two doors in the basement of said edifice, in the rear thereof, whether opening towards the said space indicated as a passageway or towards the space in the rear of the Washington Street stores, are to be closed by the owners of said edifice if it remains on the premises, also that if in erecting a permanent building upon the granted premises a wall shall be built upon the land immediately adjacent to the Southerly Washington Street store before said Old South Society in Boston, or its assigns rebuild the said Southerly Washington Street store, then the grantee herein is to remove the present foundations of the Southerly brick wall thereof and rebuild them upon the land now occupied by said store, entering thereon to rebuild them and protect the walls of

said corporation, doing the work in a proper and workmanlike manner, and without expense to the Old South Society in Boston, its successors or the then owners of said store.

The corner stores and any memorials under them shall revert to the Old South Society in Boston, when the present church building is torn down, irrespective of its right to the remainder of the edifice.

The taxes of the present year are to be paid by the purchaser.

The grantor reserves to itself and its successors, the right to enter upon the premises and to take down and remove the church edifice now on the premises and which has been this day conveyed to the Grantee by said Grantor by an Indenture of even date herewith (and which is hereby referred to and which is to be recorded herewith) in case any condition of said Indenture should be broken, this reservation to be so construed as to include all rights necessary to effectually enforce the provisions and true intent of said Indenture.

And all the above provisions form part of the consideration of this conveyance.

To Have and to Hold the above conveyed premises to said Royal M. Pulsifer, his heirs and assigns, to his and their own use and behoof forever.

And the Grantor for itself, its successors and assigns, covenants to and with said Grantee, his heirs and assigns, that said premises are free from all incumbrances by it made, except as aforesaid, and that it will and its successor shall warrant and defend the same to said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other and except as aforesaid.

In Witness whereof said Old South Society in Boston, has caused its corporate seal to be hereto affixed and these presents to be signed in its behalf by Charles Blake, its Treasurer, and countersigned by a majority of its Standing Com-

mittee, said Committee consisting of the following persons, namely: Samuel Johnson Avery Plumer Joshua B. Kimball William Hilton Thomas J. Hadley Charles A. Morss Samuel R. Payson Frederick D. Allen and Charles L. Pitkin all duly authorized by vote, a copy of which is contained in the decree a copy of which decree is recorded as aforesaid with Suffolk Deeds Lib. 1333 fol. 53, this eleventh day of October, A.D. Eighteen hundred and seventy six.

THE OLD SOUTH SOCIETY IN BOSTON

by CHARLES BLAKE Treasurer [SEAL]

Countersigned and approved

SAMUEL JOHNSON  
WILLIAM HILTON  
JOSHUA B. KIMBALL  
AVERY PLUMER  
THOMAS J. HADLEY  
CHAS. A. MORSS

Majority of Standing Committee of the  
Old South Society in Boston

words "hereto annexed" erased and words "contained in the decree a copy of which decree is recorded as aforesaid with Suffolk Deeds Lib 1333 fol 53" written in

Signed, sealed and delivered in presence of

F. V. BALCH to C.B. S.G. W.H. J.B.K. A.P. T.J.H. and  
C.A.M.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON, October 11th, 1876.

Then personally appeared the above named Old South Society in Boston, by Charles Blake its Treasurer, and acknowl-

edged the above instrument to be its free act and deed. Before  
me,

FRANCIS V. BALCH

Justice of the Peace.

Boston, Oct 18, 1876 at 1, oclock P M. Received & Entered  
with Suffolk Deeds, Lib 1350, Fol 57

Attest THOS. F. TEMPLE Reg.

## DATES, REFERENCES TO DEEDS, ETC.

References are to book and page of Suffolk Registry of Deeds; statutes of year named, and chapter; volume of Massachusetts reports and page; except as otherwise given in full.

CALENDAR DATE	TITLE OF INSTRUMENT OR MATTER	REFERENCE
Mar. 12, 1669.	Old South or Third Church and Parish formed.	
1669.	First meeting house built.	
Apr. 1, 1669.	Present location ac- quired.	Book 6, p. 26.
Mar. 31, 1729.	Present meeting house corner-stone.	
Mar. 26, 1845.	Old South Church in- corporated.	1845; c. 229.
Mar. 7, 1859.	Name changed to Old South Society.	1859; c. 88.
1871.	French <i>v.</i> Old South Society.	106 Mass. 479.
1871.	Crocker <i>v.</i> Old South Society.	106 Mass. 489.
Nov. 9, 10, 1872.	Boston fire.	
Dec. 12, 1872.	Power granted to lease real estate.	1872: c. 368.
May 26, 1874.	Meeting house not to be leased or sold with- out authority from Supreme Judicial Court.	1874; c. 270.

1875.	Old South Society <i>v.</i> Crocker.	119 Mass. 1.
May 31, 1876.	Decree in Old South Society <i>v.</i> Crocker.	Book 1333, p. 53.
Oct. 11, 1876.	Deed of land ( <i>ante</i> , p. 40).	Book 1350, p. 57.
Oct. 11, 1876.	Deed of building ( <i>ante</i> , p. 37).	Book 1350, p. 59.
Oct. 11, 1876.	Mortgage to N.E. Mu- tual Life.	Book 1350, p. 60.
Oct. 11, 1876.	Mortgage to Henry Lee.	Book 1350, p. 62.
Oct. 11, 1876.	Declaration of trust, Pulsifer.	Book 1350, p. 64.
May 11, 1877.	Old South Association incorporated by stat- ute.	1877; c. 222.
1879.	Old South Society <i>v.</i> Boston.	127 Mass. 378.
1881.	Viaux <i>v.</i> Old South Society.	133 Mass. 1.
Feb. 26, 1890.	Pulsifer to Old South Association.	Book 1931, p. 405.
Feb. 26, 1890.	Mortgage extended.	Book 1931, p. 407.
Aug. 2-7, 1897.	Notice to prevent Ease- ments.	Book 2464, p. 112.
Dec. 20, 1902.	Old South Association with Trustees Old South Building (ease- ment of light and air).	Book 2872, p. 107.
1911-1912.	Old South Association <i>v.</i> Codman.	---- Mass. ----
1911-1912.	Old South Association <i>v.</i> Boston.	---- Mass. ----

This is not intended to be an exhaustive list of dates, but merely of deeds, decisions, etc., and dates to which they relate or with which they are connected.

For other dates and facts see "History of the Old South Church," published for the benefit of the Old South fund, 1898, p. 73; "History of the Old South Church," by Hamilton Andrews Hill, published by Houghton, Mifflin & Company, 1890, two vols., pp. I, XIII, and 602, II, VIII, and 688.

### AREA AND STREET LINES.

A special report on these by G. G. Wolkins, 1908, is in the possession of the Treasurer.

### PLANS.

The Treasurer has the following plans.

SURVEYOR OR MAKER	SUBJECT	REMARKS
OLD SOUTH MEETING HOUSE.		
Alex. Wadsworth. Copied 1876 by Fuller & Whitney. Copied (in part) 1902 by L. L. Howe.	1. Plan of 1866, showing building and grounds.	Plan referred to in deed of Old South Society to Pulsifer, Oct. 11, 1876 (see Suffolk Deeds, Lib. 1350; end). The Treasurer has only copies, not the original plan.
	2. Part of elevation.	Showing grades, etc.
	3. Floor plan.	Showing supports.
Erickson Electric Equipment Co.	4. Lighting plans: a. First floor. b. Gallery and ceiling.	

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|----------------------|--|
| Cleghorn Co.         | 5. Heating plans:<br><i>a.</i> Basement.<br><i>b.</i> First floor. |
|                      | 6. New toilet room.  |
| Bigelow & Wadsworth. | 7. Sketch of screen on Washington Street side.                     |

OLD SOUTH BUILDING.

- |  |  |                                     |
|--|--|-------------------------------------|
|  | 1. Cantilever foundations.   | Showing wall of adjoining building. |
| Clinton J. Warren.                                 | 2. Detail showing wall between Old South and C. B. & Q. buildings.           |                                     |
| Shepley, Rutan & Coolidge, supervising architects. | 3. Sketch — basement plan, eleven floor plans, typical undivided floor plan. |                                     |

BOSTON TRANSIT COMMISSION.

WASHINGTON STREET TUNNEL.

- |                               |   |                                |
|-------------------------------|---|--------------------------------|
|                               | 1. Plans of entrance and exit at Old South Meeting House.                   | Dated Oct. 3 and Nov. 1, 1905. |
|                               | 2. Study for entrance and exit through basement of Old South Meeting House. | Dated Oct. 10, 1905.           |
| H. A. Carson, chief engineer. | 3. Entrance near Old South Meeting House.                                   | Dated Feb. 8, 1906.            |



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|----------------------------------|---|--|
| H. A. Carson,<br>chief engineer. | 4. Entrances and exits near Old South Meeting House.                                | Nine plans, dated Jan. 19 and Feb. 6, 1907, showing street and platform levels; elevation, north side; cross sections; detail of re-enforced concrete construction and steel work. |
|                                  | 5. Plans showing posts (existing and projected) at Old South Meeting House Station. | Dated March 24 and 28, 1906.   |
| H. A. Carson,<br>chief engineer. | 6. Taking at Old South Meeting House:   |  |
|                                  | a. Plan and section.  | Official plan, 1907.   |
|                                  | b. Plan and section.  | Official plan with explanatory additions made Dec. 13, 1910, by Aspinwall & Lincoln.   |

WIDENING OF WASHINGTON STREET.

- |                                    |                            |  |
|------------------------------------|----------------------------|--|
| William Jackson,<br>city engineer. | 1. Plan of July 9, 1902.   | Widening as done in front of Old South Building.           |
| William Jackson,<br>city engineer. | 2. Plan of Sept. 21, 1903. | Widening as projected in front of Old South Meeting House. |









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